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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,944	11/30/2001	Sanjeev Kumar Chandak	05793.3077	3988
22852	7590	11/03/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			VAN BRAMER, JOHN W	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,944	CHANDAK ET AL.	
	Examiner	Art Unit	
	John Van Bramer	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,15-21 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-11,15-21 and 25-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2006 has been entered.

Response to Amendment

2. The amendment filed on August 10, 2006 cancelled Claims 2-4, 12-14, and 22-24. Claims 31-36 were added, and Claims 1, 5-7, 10, 11, 15-17, 20, 21, 25-27, and 30 were amended. Thus, the currently pending claims considered below are Claims 1, 5-11, 15-21, and 25-36.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31-36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claims 31 makes reference to a "second amount of reward points". The "second amount of reward points" is determined and then modified. However, none of the claims indicate that this amount is used in anyway to affect the claimed outcome claimed which is "associating the third amount". In order to prosecute the claims the examiner has given the "second amount of reward points" little or no patentable weight and defined it based upon the formula disclosed in claim 32, wherein the "predetermined ratio of the received payment amount is zero. Claims 32-36 suffer from the same deficiency as Claim 31 by virtue of their dependency. Additionally, Claim 36 used the term "the payment due". The examiner assumes by virtue of its dependency on Claim 34 that the applicant means the payment due date. Finally, Claims 35 and 36 provide further limitations when the a value is greater than and less than a specific criteria but is indefinite as to the modification applied when the value is equal to the criteria. This omission requires the examiner to assume that no modification is made. The need for such assumption indicates a failure to distinctly claim the subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 7-11, 17-21, 27-33, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (U.S. Patent Number: 6,018,718).

Claims 1 and 7: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- d. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Associating the determined amount of reward points with the financial account, wherein determining the amount of reward points includes reducing the amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and wherein the determined amount of

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reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 8: Walker discloses the method of claim 7, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 9: Walker discloses the method of claim 8, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 10: Walker discloses the method of claim 1, further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim 11: Walker discloses a system for managing a financial account for a consumer, comprising:

- a. Means for providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)

- b. Means for providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account.
(Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Means for receiving a payment for a particular amount to the financial account.
(Col 6 lines 48-56)
- d. Means for determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Means for associated the determined amount of reward points with the financial account, wherein the means for determining the amount of reward points includes means for reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and, wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 17: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: means for determining

the amount of reward points to associate with the financial account based on the amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 18: Walker discloses the system of claim 17, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 19: Walker discloses the system of claim 18, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 20: Walker discloses the system of claim 11, further comprising: means for determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and means for providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claim 21: Walker discloses a computer-readable medium including instructions for performing a method, when executed by a processor, for managing a financial account for a consumer, the method comprising:

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- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter for the financial account that indicates a predetermined amount of reward points to associate with the financial account based on a predetermined payment amount to the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- d. Determining an amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Associating the determined amount of reward points with the financial account, wherein determining the amount of reward points includes reducing the determined amount of reward points based on a determination that at least one of the received payment amount is below a minimum payment amount or the received payment was received after a payment due date, and wherein the determined amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

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Claim 27: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: determining the amount of reward points to associate with the financial account based on the amount of the received payment and a reward distribution parameter. (Col 7, lines 61-67 and Col 11, lines 32-44)

Claim 28: Walker discloses the computer-readable medium of claim 27, wherein the reward distribution parameter is based on a financial risk associated with a customer corresponding to the financial account. (Col 7 lines 13-50)

Claim 29: Walker discloses the computer-readable medium of claim 28, wherein the reward distribution parameter is adjusted based on a change in the financial risk associated with the customer. (Col 8, lines 51-60)

Claim 30: Walker discloses the computer-readable medium of claim 21, the method further comprising: determining whether a customer corresponding to the financial account is eligible for one or more consumer goods based on the determined amount of reward points associated with the financial account; and providing an indication to the customer reflecting a result of the determining whether the customer is eligible for one or more consumer goods. (Col 9, lines 36-55)

Claims 31, 32, 35 and 36: Walker discloses a method for managing a financial account for a consumer, comprising:

- a. Providing the financial account to the consumer. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- b. Providing a reward incentive parameter for the financial account that indicates a first amount of reward points to associate with the financial account based on a predetermined payment activity associated with the financial account. (Col 3, lines 16-25; Col 4 lines 18-27; Col 6 lines 15-29; and Col 7 line 61 – Col 8 line 60)
- c. Receiving a payment for a particular amount to the financial account. (Col 6 lines 48-56)
- d. Determining a second amount of reward points to associate with the financial account based on the reward incentive parameter and the received payment amount. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- e. Determining a third amount of reward points based on at least one of the amount of the received payment or the date of the received payment. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)
- f. Modifying the second amount of reward points based on the third amount of reward points. (Col 6, lines 15-29 and Col 6 lines 37-47, and Col 7, lines 61-67 and Col 11, lines 32-44)

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- e. Associating the third amount of reward points with the financial account, wherein the third amount of reward points can be used to receive a consumer good. (Col 6, lines 15-29 and Col 6 lines 37-47, Col 10, lines 3-13, and Col 11, lines 1-12)

Claim 33: Walker discloses the method of claim 31, wherein determining the third amount of reward points further comprises:

- a. Evaluating the received payment relative to a minimum payment for the financial account. (Col 10, lines 3-13, and Col 11, lines 1-12)
- b. Determining the third amount of reward points based on the evaluation. (Col 10, lines 3-13, and Col 11, lines 1-12)

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 8. Claims 5-6, 15-16, 25-26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. Patent Number: 6,018,718).

Claim 5: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on

a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 6: Walker discloses the method of claim 1, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria

in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 15: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 16: Walker discloses the system of claim 11, wherein the means for determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does

however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 25: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value (Col 11, lines 11-32), but does not explicitly state that the performance value is based upon a minimum payment amount. Walker does however indicate that the extent of monthly payments is a valid criteria for performance rewards (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which a minimum payment amount was the criteria on which performance was evaluated. One would have been motivated to use a minimum payment amount as the targeted performance criteria in order to provide those customers with large balances an incentive to reduce their outstanding debt and therefore reduce the companies risk exposure.

Claim 26: Walker discloses the computer-readable medium of claim 21, wherein determining an amount of reward points further comprises: increasing the amount of reward points based on a determination that the customer has exceeded their designated performance value ((Col 11, lines 11-32), but does not explicitly state that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards. (Col 7, lines 61-67 and Col 8, lines 51 – 60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be accurately predicted.

Claim 34: Walker discloses the method of claim 31, but does not explicitly indicate that the performance value is based upon the payment due date. Walker does however indicate that the payment due date is a valid criteria for performance rewards (Col 7, lines 61-67, and Col 8, lines 51-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to create a targeted reward system in which payment due date was the criteria on which performance was evaluated. One would have been motivated to use payment due date as the targeted performance criteria in order to create an environment in which corporate cash flow and working capital could be more accurately predicted.

Response to Arguments

9. Applicant's arguments filed August 10, 2006 have been fully considered but they are not persuasive. Additionally, the applicant is reminded to use proper status identifiers and markings when making amendments to the claims. The applicant is directed to claim 11 in which "means for providing" was added to the claim on line 5 without being underlined and claim 30 which was amended but has a status identifier of "Original". The examiner's response to the applicants arguments follow:
- a. The applicant's amendments fail to distinctly claim the subject matter discussed during the interview with the examiner. The examiner agreed that further consideration and/or search may be necessary if the claims were directed towards a method in which award points are actually provided to a consumer's account at the beginning of a specified period of time and then the award points are taken away from the consumers account if certain criteria are not met. The claims provide no suggestion that the consumer has actually received these points at the beginning of the time period. In fact the amendment states a determination is made as to the amount "to associate", which mean this will occur at some future time. Additionally, according to the claim the "associating" is completed after the "determining" which is based on a "received" amount. Since the received amount occurs at the end of the specified period no award is provided at the beginning of such a period.

- b. The applicant argues that Walker does not teaches reducing an amount of reward points based on a determination that an amount of the received payment is below the minimum payment amount. However, should the applicant review the cited references in the action above and the types of performance values disclosed in the Walker reference then it is clear that Walker teaches precisely this feature. A performance value, which can be a payment amount, is determined and a reward amount is determined based upon the achievement of the performance value. Should the consumer not achieve the performance value Walker teaches that the reward amount can be reduced if a lower target such as 90% of the performance value is achieved (See cited sections listed in Claims 1, 11, and 21 above, as well as Col 4, lines 20-23, Col 7, lines 19-25, and Col 7, lines 63-67).
- c. Walker teaches frequent flier points in Col 6, lines 37-47 and Col 7, lines 19-25.
- d. The applicant's arguments regarding the amendments to the claims have been addressed in the 35 U.S.C 112, 35 U.S.C 102, and 35 U.S.C 103 sections above.

Conclusion


- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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